

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5

MEDIA GENERAL OPERATIONS, INC.,
d/b/a THE RICHMOND TIMES DISPATCH

Employer-Petitioner

and

Case 5-UC-394

RICHMOND NEWSPAPERS PROFESSIONAL ASSOCIATION
Union

ORDER DISMISSING PETITION

The Employer-Petitioner filed the above petition on October 19, 2005, seeking to clarify the existing bargaining unit of newsroom employees specifically to exclude Wedding Desk employees. The newsroom unit has been represented by the Union since approximately 1966. The most recent collective-bargaining agreement covering the unit was effective, by its terms, from August 20, 2001 to August 18, 2004, and defined the unit as follows:

INCLUDED: All news employees, including news, photographic, library and graphics employees in the news departments of Richmond Newspapers, Inc.

EXCLUDED: Managing Editor, Deputy Managing Editors, Assistant Managing Editor, City Editor, State Editor, Copy Desk Chief, Business Editor, Flair Editor, Sports Editor, Suburban Editor, Graphics Director, Photo Director, State-City News Editor, Photo Editor, Special Sections Editor, Associate City Editor/and for Special Projects, Associate State Editor, Associate Copy Desk Chief, Associate Business Editor, Associate Flair Editor, Associate Sports Editor, Associate Suburban Editor, Associate Graphics Director, Associate Photo Director, Associate Director of News Systems, Head Librarian, Administrative Assistants and Confidential Secretaries.

It is undisputed that the wedding desk employees at issue, herein, historically have been included in the contractual bargaining unit.

The Employer-Petitioner contends that wedding desk employees no longer share a community of interest with the remainder of the unit employees based on certain changes in the wedding desk employees' work duties and terms and conditions of employment. Most of these changes, however, were the subject of the charge in Case 5-CA-32606, which the Union filed on August 1, 2005, and amended on August 29. Based on that charge, on October 27, 2005, I issued a Complaint and Notice of Hearing alleging that the Employer-Petitioner violated Section 8(a)(1) and (5) of the Act by: (1) on or about March 22, 2005, unilaterally changing the composition of the bargaining unit by removing the wedding desk position from the bargaining unit; (2) on or about March 22, 2005, unilaterally transferring the wedding desk employees to positions outside the bargaining unit; (3) in early April 2005, unilaterally altering the wedding desk employees' hours of work; and (4) on or about August 15, 2005, unilaterally changing the wedding desk employees' job duties.

Inasmuch as the Employer-Petitioner is relying on these very same changes in the wedding planners' terms and conditions of employment to support its argument that those employees no longer share a community of interest with other unit employees, I find that the petition herein must be dismissed. Thus, the petition seeks a declaration by the Board, in advance of disposition of the unfair labor practice complaint, that the wedding desk employees must be excluded from the historical unit. In these circumstances, the petition herein does not present a unit placement issue that is cognizable in a unit clarification proceeding. See, *Al J. Schneider & Associates*, 227 NLRB 1305 (1977); *Union Electric Co.*, 217 NLRB 666 (1975).

ORDER

The petition is dismissed.

RIGHT TO REQUEST REVIEW¹

Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, 1099 – 14th Street, NW, Washington, D.C. 20570. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned. This request for review must contain a complete statement setting forth the facts and reasons on which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board by close of business on **December 7, 2005**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. A request for extension of time should be submitted to the Executive Secretary in Washington, and a copy of any such request for extension of time should be submitted to this Office and to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on this Office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board. The request may not be filed by facsimile.

(SEAL)

/s/WAYNE R. GOLD

Dated: **November 23, 2005**

Wayne R. Gold,
Regional Director
National Labor Relations Board Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202

¹ In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, D.C. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlrb.gov.